

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

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U.S. DISTRICT COURT
MIDDLE DIST. OF GEORGIA
MACON, GEORGIA

CHARLOTTE ABDULLAH
Plaintiff

vs.

Civil Action No. **5 : 12-CV-369**

OCWEN LOAN SERVICING, LLC
Defendant

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff, Charlotte Abdullah, individually, hereby sues Ocwen Loan Servicing, LLC for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(a),(TCPA) Sec. 227., 47 USC § 227 (b)(1)(B). and FDCPA violations §1692 et seq.

PRELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendants for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 USC § 227(a), TCPA Sec. 227., 47 USC § 227 (b)(1)(B) and FDCPA violations §1692 et seq
2. Upon belief and information, Plaintiff contends that many of these practices are widespread of the Defendant.
3. Plaintiff contends that Ocwen Loan Servicing Defendant have violated such laws by repeatedly harassing Plaintiff in attempts to collect alleged but nonexistent debt.

JURISDICTION AND VENUE

4. Jurisdiction of this Court arises under 15 U.S.C. §1681p, 15 U.S.C. §1692k(d), and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. §1331.

5. Venue in this District is proper in that the Plaintiff resides here, the Defendants transact business here, and the conduct complained of, occurred here.

PARTIES

7. Plaintiff, Charlotte Abdullah, 112 Town Creek Road, Eatonton, Georgia 31024 is a natural person and is a resident of the State Georgia.

8. Upon information and belief Defendant, Ocwen Loan Servicing, LLC is a foreign corporation, engaged in the business of collecting debts in this state and several other states, with its principal place of business located at 1661 Worthington Road , STE 100, West Palm Beach, FL. 33409.

9. Upon information and belief Defendant, Ocwen Loan Servicing LLC, is authorized to

do business of collecting debt of consumers by using mail and telephone.

Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. § 1692a(6)

FACTUAL ALLEGATIONS

10. In March of 2012 Plaintiff received call from Ocwen Loan Servicing agent telling plaintiff they wanted to help plaintiff with loan modification program. Plaintiff told agent " I was not interested in applying for any loans." and how did you get my number? and please don't call anymore.

11. Received letter from Defendant 3/8/12 thanking Plaintiff for applying for loan.
(Never did Plaintiff apply for loan with Ocwen Loan Servicing.) Plaintiff received
2nd letter 3/8/12 from Defendant stating Plaintiff was denied loan. (again) What loan?
12. Plaintiff obtained credit report from the 3 major credit agencies found entries that I
was not familiar with, found out that Ocwen Loan Servicing Inc had pulled Plaintiff
report on 1/31/2012 without Plaintiffs' permission.
13. Plaintiff sent dispute letters to all 3 credit agencies and a verification letter to
Defendant. Credit bureau forward disputes to furnisher of information.
14. Defendant calls continued, some hang ups, because of Plaintiff age and being
handicap, Plaintiff moves slow, missed some calls, so Plaintiff purchased an ID calling
phone so Plaintiff could document all calls
15. Defendant continue to call (1) Feb. 11/12, (2) Aug 16/12, (3) Aug.17/12,
(4) Aug. 18/12, (5) Aug. 20/12, (6) Aug. 21/12, (7) Aug.21/12, (8) Aug.24/12
(9) Aug.28/12, (10) Aug. 28/12, (11) Aug. 29/12, (12) Aug. 30/12, (13) Aug. 30/12
(14) Aug. 31/12, (15) Aug. 31/12, (16) Sept. 01/12, (17) Sept.04/12, (18) Sept. 04/12,
(19) Sept. 05/12, (20) Sept. 05/12. (21)Sept. 6/12, (22) Sept. 6/12, (23) Sept 6/12, (24)
Sept 7/12, (25) Sept.7/12, (26) Sept. 8/12, (27) Sept. 8/12, (28) Sept. 9/12, (29)
Sept. 9/12, (30) Sept. 10/12, (31) Sept. 10/12, (32) Sept. 10/12, (33) Sept.11/12.
Ocwen Loan Servicing also left messages on recording machine which Plaintiff saved.
16. Defendant continues to violated the TCPA by leaving recorded messages on Plaintiffs
phone without express permission.
17. Plaintiff sent second validation letter to Defendant. No reply as yet from Defendant

COUNT I

18. Defendant Ocwen Loan Servicing LLC, has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's number.

19. Defendant Ocwen Loan Servicing LLC, has committed over 33 separate violations of 47 U.S.C. §227(b)(1)(A) and Plaintiff is entitled to damages of \$1500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).

20. Defendant Ocwen Loan Servicing LLC, has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) The last 33 calls are subject to treble damages pursuant to 47 U.S.C. §227(b)(3) as they were intentional.

21. Defendant from February 11, 2012 to September 11, 2012, Ocwen Loan Servicing LLC violated the TCPA by calling Plaintiff's phone 33 times and more sometimes 2 to 3 times a day, with no prior permission given by Plaintiff.

22. Defendant from February 11, 2012 violated the TCPA by leaving 33 recorded messages on Plaintiff's phone without express permission.

WHEREFORE, Plaintiff demands judgment for damages against Ocwen Loan Servicing LLC, and for actual or statutory damages

COUNT II

**VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15
U.S.C. §1692 BY DEFENDANT**

23. Ocwen Loan Servicing LLC, placed no less than 33 telephone calls to the Plaintiff's telephone after receipt of Plaintiff's letter to cease and desist. Defendant knew or should have known that the phone calls made were inconvenient to the consumer. Such communications are prohibited by 15 U.S.C. § 1692c(a)(1).

24. Ocwen Loan Servicing LLC placed no less than 33 telephone calls to the Plaintiff's telephone after receiving written notice from the Plaintiff to cease communications.

Pursuant to 15 U.S.C. § 1692c(c), if such notice from the consumer is made by mail, notification shall be complete upon receipt. This clearly demonstrates willful violation of U.S.C. §1692c.

25. Defendants continued collection activity after receiving notice of dispute, and failed to provide written validation of debt before resuming collection activities, in violation of 15 U.S.C. §1692g(b).

26. Defendant violated §1692c(a) communication with the consumer generally. Without the prior consent of the consumer given directly to the debt collector or the express permission of a court of competent jurisdiction, a debt collector may not communicate with a consumer in connection with the collection of any debt.

27. Defendant violated 15 U.S.C. §1692d whereas a debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

28. Defendant violated 15 U.S.C. § 1692d(5) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff demands judgment for damages against Ocwen Loan

Servicing LLC for willful or knowing non-compliance calling over 33 times, \$500.00 each violations for actual or statutory damages the sum of \$49,500 triple damages

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Respectfully submitted this 14th of September, 2012.

Charles He Abdullah

112 TOWN CREEK ROAD

EATONTON, GEORGIA 31024

706-623-4094



Ocwen Loan Servicing, LLC
HELPING HOMEOWNERS IS WHAT WE DO!™
WWW.OCWEN.COM

3/8/2012

Charlotte Abdullah
112 Town Creek Road
Eatonton, GA 31024

Loan Number: 7092234009

Dear Customer,

Thank you for your recent application for a modification under the Making Homes Affordable Program. Based on our review of the documentation you provided, you are not eligible for a Home Affordable Modification.

**We are unable to offer you a Home Affordable Modification because:
You do not live in the property as your primary residence.**

The Home Affordable Modification option is designed specifically to allow existing homeowners to keep their homes by making mortgage payments affordable, however the plan will not help everyone. For example, it will not help investor borrowers, borrowers who have no income and cannot make any mortgage payment or if a borrower's current monthly mortgage ratio is less than 31% of their gross monthly income. (Note: Monthly mortgage ratio is the current first mortgage monthly payment, including principal, interest, taxes, insurance and homeowner's association dues, if applicable, divided by the gross monthly income).

If I'm not eligible for a Home Affordable Modification, then what do I do?

Remember at Ocwen, HELPING HOMEOWNERS IS WHAT WE DO!™. We understand that unanticipated changes in your financial situation can impact every area of your life, including your ability to pay your mortgage obligation. Our Associates and Home Retention Consultants are trained to work with you to set up a plan of action specifically designed to address your current circumstances. By completing the financial information attached, we can begin the process of presenting you with some alternative solutions to resolve your delinquent mortgage loan. Below please find a brief description of possible solutions.

What should I do if I disagree with the reason for non-approval of a HAMP modification?

If you disagree with the reason for non-approval of a HAMP modification, you have 30 days from the date of this letter to send a written explanation and supporting documentation to substantiate your findings. Please email a copy of this letter along with any supporting documents to HAMPNPVCases@ocwen.com or mail to:

Ocwen Loan Servicing
P.O. Box 785061
Orlando, FL 32878-5061

This communication is from a debt collector attempting to collect a debt; any information obtained will be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is not intended as and does not constitute an attempt to collect a debt.

HDENY No HDLS

NMLS # 1852



Ocwen Loan Servicing, LLC
HELPING HOMEOWNERS IS WHAT WE DO!™
WWW.OCWEN.COM

March 08, 2012

Charlotte Abdullah
112 Town Creek Road
Eatonton GA 31024

Loan Number: 7092234009
Property Address: Lot 157 Town Creek Road
Eatonton, GA 31024

Dear Customer:

Thank you for your recent application for a modification. Based on our review of the documentation you provided, you are not eligible for a modification.

- We are unable to offer you a modification because: Your financial form that we have received is greater than 180 days old.

If I'm not eligible for a Modification, then what do I do?

Remember at Ocwen, HELPING HOMEOWNERS IS WHAT WE DO!™. We understand that unanticipated changes in your financial situation can impact every area of your life, including your ability to pay your mortgage obligation. Our Associates in Customer Care Center are trained to work with you to and address your current circumstances. Call our Customer Care Center to discuss your options.

Call (800) 746-2936, We are available Monday to Friday 8:00 am to 9:00 pm, Saturday 8:00 am to 5:00 pm and Sunday 12:00 pm to 9:00 pm ET.

There are three ways for you to begin the process of working with us to identifying a solution to resolving your delinquent mortgage loan.

Option 1: Visit our website at www.ocwencustomers.com. Under the Financial Difficulties section, select the Pursue Alternative Payments Option. Here, you can enter your financial information at your convenience. Once you have entered the information, a Home Retention Consultant will review it and then contact you to discuss potential resolution options.

Option 2: Complete the attached form and fax to our Home Retention Processing Department at 407-737-5433. Once you have sent the information, a Home Retention Consultant will review it and then contact you to discuss potential resolution options.

Option 3: Call our Customer Care Center to discuss your options. **Call 1-800-746-2936**

We are available Monday to Friday 8:00 am to 9:00 pm, Saturday 8:00 am to 5:00 pm and Sunday 12:00 pm to 9:00 pm ET.

Sincerely,

Ocwen Loan Servicing, LLC

This communication is from a debt collector attempting to collect a debt; any information obtained will be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is not intended as and does not constitute an attempt to collect a debt.



Prepared for: **CHARLOTTE ELSIE ABDULLAH**
Date: **March 22, 2012**
Report number: **3139-0876-97**

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Dear CHARLOTTE ELSIE ABDULLAH

When you dispute the accuracy or completeness of information on your personal credit report and tell us specifically why you believe the information is inaccurate or incomplete, we process your dispute as required by law. We contact the furnisher of the information or the vendor that collected the information from a public record source such as a court or other government office. We ask the furnisher or the vendor to conduct a thorough and complete investigation to verify all of the information

regarding the item you disputed, and report back within 30 days of the date that we received your request (21 days for Maine residents and 45 days for disputes of information on an annual free credit report). We review and consider the response to determine whether to accept it, reject it, or follow up for additional information. If, after processing, we find that the disputed information is inaccurate, incomplete or cannot be verified, we then delete that information, or modify that information, as appropriate, based upon your dispute and the results of our processing. If we do not receive a response from the furnisher or the vendor within the required period, we update the item as you have requested or delete the information, and send you the results. In some instances, upon reviewing your credit file and any relevant information you have submitted to us, we are able to determine whether the disputed information should be changed or deleted without having to contact the furnisher or the vendor. After we complete our processing, we send you the results. In addition to your right to dispute information in your credit file with the credit reporting agencies, you also have the right to dispute information in your credit report directly with the furnisher of the information.

Scan me with your smart phone
for special offers from Experian.



Sincerely,

Experian
NCAC
PO BOX 9701
Allen TX 75013

0002213 01 MB 0.401 **AUTO T8 0 7072 31024-664212 -C01-P02215-1
CHARLOTTE ELSIE ABDULLAH
112 TOWN CREEK ROAD
EATONTON GA 31024-6642



PO Box 9701
Allen, TX 75013

0099512256



Prepared for: **CHARLOTTE ELSIE ABDULLAH**
Date: **April 15, 2012**
Report number: **3139-0876-97**

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Your accounts that may be considered negative (continued)

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Prepared for: CHARLOTTE ELSIE ABDULLALH

Date: April 15, 2012

Report number: 3139-0876-97



Your accounts that may be considered negative (continued)

AAP	ND	1,963	ND	981	780	1,561	780	780	780	780	780	2,341	780	780	ND
The original amount of this account was \$83,569															
OCWEN LOAN SERVICING															
1661 WORTHINGTON RD STE 100															
WEST PALM BEACH FL 33409															
Phone number															
(407) 737 6101															
Partial account number															
709223....															
Address identification number															
0399535319															
Payment history															
2012															
APR MAR FEB JAN DEC															
180 ND ND 150 120															

Account history - If your creditor reported your account balances to us, we list them in this section as additional information about your account. Your balance history may also include your credit limit and high balance or the original loan amount for an installment loan. This section also includes the scheduled payment amounts, amounts actually paid and the dates those payments were made. ND: No Data.

AAP = Actual amount paid (\$)

= Scheduled payment amount (\$)

DPR = Date payment received

AB = Account balance (\$)

Dec11

AB 74,758

DPR ND

981

AAP ND

The original amount of this account was \$83,569

Your accounts in good standing

These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years.

Credit items

CAPITAL ONE																
PO BOX 30281																
SALT LAKE CITY UT 84130																
Phone number																
(800) 955 7070																
Partial account number																
529107179818....																
Address identification number																
0399535319																
Date opened																
Oct 2000																
First reported																
Oct 2000																
Date of status																
May 2002																
Type																
Credit card																
Terms																
Not reported																
Monthly payment																
Not reported																
Credit limit or original amount																
Not reported																
High balance																
\$232																
Recent balance																
Not reported																
Responsibility																
Individual																
Status																
Paid,Closed/Never late.																
This account is scheduled to continue on record until May 2012.																
Comment																
Account closed at consumer's request.																

0099512256



**Charlotte Abdullah
112 Town Creek Road
Eatonton, Georgia, 31024
March 15, 2012**

Experian

I am disputing the following items:

- 1. Santander Comsumer USA. PO Box 961245 Forth Worth, Tx.761610244
Acct. # 3000019174544xxxx**
- 2. Chase Bank USA, PO BOX 15298, WILMINGTON DE 19850
Acct, #540979270116..**
- 3. SST/CIGPFICORP, 800 BROOKS BLVD,COLUMBUS OH 19801
Acct. #1711xxx**
- 4. SST/COLUMBUS BANK & TRUST; 4315 PICKETT RD, SAINT JOSEPH, MO
Acct. # 403624000643xxxx**
- 5. Portfolio Recvry&Aff, 120 CORPORATE Blvd STE 100, Norfork, Va.23502
Acct #548897501087XXXX**
- 6. EOS CCA, 700 Longwater Dr, Norwell, Ma. 02061
Acct.#12837861**
- 7. Ocwen loan servicing, 1661 Worthington Rd. ste 100,West Palm Beach Fl.
3340
acct# 709223**
- 8. OCWEN LOAN SERVICING, 1661 WORTHING RD. STE 100, WEST PALM
BEACH FL. 3340
ACCT. #709223**
- 9. ENHANCED Recovery Co LLC.,8014 Bayberry RD; jacksonville FL. 32256
Acct. #52701607**
- 10. LITTON LOAN SERVICING; 4828 LOOP CENTRAL DR; HOUSTON, TX 77081
ACCT. #1287**

**i did not authorize the following inquiries on my credit report. I believe that
they were obtained
fraudulently. Please have them removed**

1. Bank Of America-----07/19/11

Please provide me with a discription of the reinvestigation procedure for all items. Please provide me with the source of information for all items. Please send me all information in my consumer file. Please send me an update copy of my credit report. I thank you for your cooperation in this matter in advance.

**Sincerely,
Charlotte Abdullah
051-36-8170**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>E Hill</i> <div style="float: right;"> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
1. Article Addressed to: Ocewen Loan Servicing LLC ATTN: Home Retention Dept 1661 Worthington Road Suite 100 West Palm Beach Florida 33409		B. Received by (Printed Name) <i>Earl Hill</i>	C. Date of Delivery
2. Article Number (Transfer from service label) 7012 1010 0001 4139 8248		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

**Charlotte Abdullah
112 Town Creek Road
Eatonton, Georgia 31024**

Via Certified mail

**Ocwen Loan Servicing, LLC
116 Worthington RD STE 100
West Palm Beach FL. 33409**

Attn: Mortgage loan accounting department

To who it may concern:

Please be advised that I am not requesting a "verification" that you have my mailing address, this is my second request, I am requesting a "validation:" that is, competent evidence that I have some contractual obligation to pay you. The original note

This is a Qualified Written Request, pursuant to Real Estate Settlement and Procedures Act Section (2605(e))

Specifically I am requesting the itemization of the following:

- 1. A complete payment history that can be easily read and understood including, but not limited to, the dates and amount of all the payments made on to date.**
- 2. A breakdown of the amount of claimed arrears of delinquencies.**
- 3. An explanation of what is meant by assignment sale or transfer. Which one is it? Please include a copy of any and all assignments, proof of sale, proof of transfer and to whom.**
- 4. The payment dates, purpose of payment and recipient of all escrow items charged to said account since loan inception.**
- 5. A breakdown of the said current escrow charges showing how it is calculated and reasons for any increases.**
- 6. A copy of any annual escrow statements and notices of shortage, deficiency or surplus, sent us within the life of the current loan.**

In order to avoid any misunderstanding, all communication shall henceforth be on the record in writing, no phone calls. Please serve all communication and process directly to mailing address provided above

**September 7, 2012
Charlotte Abdullah**

CALLS FROM OCWEN LOAN SERVICING CALLS ARE RECORDED TO CD

1. FEB. 11/2012	11:06 AM
2. AUG. 16/2012	10:05 AM
3. AUG 17/2012	10:34 AM
4. AUG. 18/2012	4:16 PM
5. AUG. 20/2012	10:07 AM
6. AUG. 21/2012	12:08 PM
7. AUG. 21/2012	12:34 PM
8. AUG. 24/2012	12:35 PM
9. AUG. 28/2012	9:00 AM
10. AUG. 28/2012	11:37 AM
11. AUG. 29/2012	11:35 AM
12. AUG 30/2012	11:08 AM
13. AUG 30/2012	11:35 AM
14. AUG 31/2012	11:07 AM
15. AUG 31/2012	11:35 AM
16. SEPT. 1/2012	12:02 PM
17. SEPT. 4/2012	3:08 PM
18. SEPT. 4/2012	3:35 PM
19. SEPT. 5/2012	3:36 PM
20. SEPT 5/2012	4:09 PM
21. SEPT 6/2012	3:11 PM
22. SEPT 6/2012	3:37 PM
23. SEPT 6/2012	5:25 PM
24. SEPT 7/2012	4:14 PM
25. SEPT 7/2012	4:55 PM
26. SEPT 8/2012	3:22 PM
27. SEPT 8/2012	3:45 PM
28. SEPT 9/2012	3:18 PM
29. SEPT 9/2012	3:45 PM
30. SEPT 10/2012	9:35 AM
31. SEPT 10/2012	3:13 PM
32. SEPT 10/2012	3:40 PM
33. SEPT 12/2012	8:08 AM
34. SEPT 12/2012	8:39 AM
35. SEPT 12/2012	12:08 PM
36. SEPT 13/2012	8:05 AM